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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,193	07/11/2001	Jukka Hautanen	4208-4014	9960

7590 11/19/2003  
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EXAMINER

LIANG, REGINA

ART UNIT PAPER NUMBER

2674

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/903,193

**Applicant(s)**

HAUTANEN ET AL.

**Examiner**

Regina Liang

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 5, 25, 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5, 25, 43 are indefinite since "DVB-T" is never been defined.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-17, 20-24, 27-37, 41, 42, 44, 46-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg et al (US. PAY. NO. 6,084,583 hereinafter Gerszberg) in view of Asai et al (US. Pub. No. 2002/0000984 hereinafter Asai).

As to claims 1, 50, Gerszberg discloses an advertising screen saver comprising displaying content on a display (141 in Fig. 3A), detecting an indication of user inactivity, receiving an advertisement, and displaying the advertisement on the display (see Fig. 8 and col. 8, lines 30-54). Gerszberg does not disclose the display is a bistable display and the advertisement remains on the display after removing power to the display. However, Asai teaches an electronic device comprising a bistable display for displaying advertisement on the display. Asai also teaches the

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advertisement remains on the bistable display after removing power to the display (for example see page 2, lines 9-12 in section [0029], page 6, lines 1-4 in section [0121], page 11, lines 8-10 in section [0178]). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerszberg to have a bistable display and the advertisement remains on the bistable display after removing power to the display as taught by Asai so as to provide a portable terminal in which energy conservation can be achieved and a predetermined display such as an advertisement can be efficiently updated without the ease of use being deteriorated (page 1, section [0014]).

As to claims 2, 22, Asai teaches the display is a bistable reflective display.

As to claims 3, 23, Gerszberg teaches receiving the content and detecting a predetermined period of user inactivity with respect to the content (col. 8, lines 30-42).

As to claims 4, 24, 42, Gerszberg teaches the content and advertisement are received via the Internet (col. 4, lines 35-40).

As to claims 7, 8, 11, 27, 28, 31, Fig. 2 of Asai teaches the advertisement remains on the display for an extended period of time after power has been removed, and displaying a different advertisement on the display after a predetermined period of time.

As to claims 9, 29, Fig. 8 Gerszberg teaches the advertisement replaces the content on the display during the screen saver mode.

As to claims 10, 30, Fig. 2(c) of Asai also discloses the content remains on the display after power has been removed.

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As to claims 12-17, 32-37, 46-49, Fig. 1 of Asai teaches transferring content or advertisement to a plurality of terminals from a host terminal having advertisement server or content server (e.g., page 6, sections [0114], [0120], and page 11, section [0186]).

As to claims 20, 21, 51, Gerszberg teaches the advertisements are either stored at the central office or are supplied to central office by the communication server when required (col. 8, lines 13-29). Gerszberg as modified by Asai does not explicitly disclose receiving an advertisement at the time of downloading content. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerszberg as modified by Asai to receive an advertisement at the time of downloading content to provide geographic or time sensitive advertisement targeting a particular geographic location or time sensitive advertisement, e.g. advertisements with expiration date. Furthermore, it would also conserve the memory space at the central station and ensures that the downloaded advertisement is the most recent and up to date.

As to claim 44, Gerszberg as modified by Asai does not disclose the advertisement is randomly selected from a plurality of advertisements. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerszberg as modified by Asai to randomly select an advertisement from a plurality of advertisements to attract the user's attention since the order of the advertisements is not predictable and fixed.

As to claims 41, 52, Gerszberg and Asai disclose storing advertisements linked to the stored content.

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4. Claims 18, 19, 38, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg and Asai as applied to claim 17 above, and further in view of Nanba et al (US. PUB. NO 2001/0006389 hereinafter Nanba).

Gerszberg as modified by Asai does not disclose transmitting information between other terminals via a low power radio frequency or bluetooth. However, Nanba teaches transmitting information between other terminals via a low power radio frequency or bluetooth (page 4, section [0066] and lines 4-5 in section [0072]). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerszberg as modified by Asai to transmit information between other terminals via a low power radio frequency or bluetooth as taught by Nanba for providing a wireless communication such that the operability of the receiving terminal devices is improved.

5. Claims 5, 25, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg and Asai as applied to claims 1, 20, 41 above, and further in view of Hyakudai et al (US. PAT. NO. 5,920,598 hereinafter Hyakudai).

Gerszberg as modified by Asai does not disclose the content and advertisement are received via a DVB-T receiver. However, it is well known in the art that a data transmission comprising a DVB-T (col. 1, lines 35-37 of Hyakudai). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerszberg as modified by Asai to transmit the content and advertisement via a DVB-T receiver so as to provide digital signal transmission by ground waves to broadcast the advertisements to the terminals.

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6. Claims 40, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg and Asai as applied to claim 20, 41 above, and further in view of Hamzy et al (US. PAT. NO. 6,636,247 hereinafter Hamzy).

Gerszberg as modified by Asai does not disclose the advertisement is a hyperlink on text. However, Fig. 6 of Hamzy an advertisement is a hyperlink on text. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerszberg as modified by Asai to have the advertisement is a hyperlink on text as taught by Hamzy so as to increase the display time of advertisements associated with a particular URL.

7. Claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg and Asai as applied to claims 1 and 20 above, and further in view of Munyan (US. PAT. NO. 5,761,485).

Gerszberg as modified by Asai does not disclose the content is a page of an electronic book and detecting a page turn at a particular time, and the period of user inactivity begins with the time of the page turn and ends a predetermined time later. Asai teaches the electronic device comprising an electronic book (page 15, lines 4-5 in section [0238]). Munyan teaches an electronic book with a page turn function (col. 8, lines 35-41). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the content of Gerszberg as modified by Asai to be a page of an electronic book with a page turn function as taught by Munyan so as to provide a portable electronic device that stores and displays many publications within a single unit. In addition, Gerszberg teaches that an inactivity is detected in order to display the advertisement, thus in order to detect the inactivity of user in an electronic

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book device, it would have been further obvious to one of ordinary skill in the art at the time the invention was made to modify Gerszberg as modified by Asai and Munyan to detect a page turn at a particular time, and the period of user inactivity begins with the time of the page turn and ends a predetermined time later to determine user inactivity so as to provide a screen saver mode in the electronic book device.


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakai et al (US. PUB. NO. 2002/0033779), Asai et al (US. PUB. NO. 2001/0009417) and Kondo et al (US. PUB. NO. 2001/0034652) teach information display device and information display system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (703) 305-4719. The examiner can normally be reached on Monday-Friday from 9AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
REGINA LIANG  
PRIMARY EXAMINER  
ART UNIT 2674

RL  
11/14/03